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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

Writ Petition (C) No. 7625 of 2007

Petitioner

Om Narayan Yadav,
S/o Shri Raja Ram Yadav,
Aged about 32 years,
R/o Duggal Compound, Shastri Nagar,
Supela, Bhilai, District Durg (C.G.)

VERSUS

Respondents

1. State of Chhattisgarh,
Through District Magistrate,
Rajnandgaon (CG)
2. Collector,
District Rajnandgaon (C.G.)
3. Thana Incharge
Police Station Lalbagh
District Rajnandgaon (C.G.)

Writ Petition under Article 227 of the Constitution of India

Present: Smt. Fouzia Mirza, counsel for the petitioner.
Shri Yashwant Singh, Govt. Advocate for the State.

ORAL ORDER
(Passed on 20th December, 2007)

Petitioner is the owner of the vehicle (Indica Car) No. C.G.04/9637 which was seized by police authorities in connection with the offence under the Excise Act. The vehicle has been given to the petitioner in the *supurdgi* with a condition that he shall furnish the Bank guarantee of Rs. 2,00,000/-. Aggrieved by the said order the petitioner has approached this Court under Article 227 of the Constitution of India.

Learned counsel for the petitioner submits that this Hon'ble Court in an identical case i.e. W.P.(C) No. 6090/2007 has passed an order on 10-10-2007 whereby the stringent condition of furnishing Bank Guarantee of Rs. 2,00,000/- has been altered and in lieu thereof the petitioner has been directed to mortgage the immovable property of the likewise amount to the satisfaction of the Chief Judicial Magistrate concerned. Learned counsel further submits that the petitioner will not alienate, mortgage or enter into the

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agreement of sale of vehicle in question. It has been prayed on behalf of the petitioner that instead of furnishing Bank Guarantee of Rs. 2,00,000/- (Rs.Two Lacs only) petitioner be allowed to mortgage the immovable property. Counsel for the respondents has no objection to the same. Accordingly let the property of likewise amount as demanded by the petitioner be mortgaged by the petitioner to the satisfaction of the Chief Judicial Magistrate, Rajnandgaon and thereafter the vehicle be given on *supurdagi* to the petitioner.

With the consent of learned counsel for the parties, writ petition stands disposed of.

Sd/-
Ag. Chief Justice

Kamde